

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
~~REGULAR COURT~~  
~~GENERAL DIVISION~~

2020 NOV 24 A 9:19

Christopher Tharpe

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

NOV 24 2020

JAMES W. MCCORMACK, CLERK  
By: *[Signature]*  
DEP CLERK

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. *4:20cv1391-KGB*  
(case number to be supplied by the assignment clerk)

Arkansas Spinal Cord Commission

This case assigned to District Judge *Barker*  
and to Magistrate Judge *Vulpe*

(Name of defendant or defendants)

**COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Christopher Tharpe, is a citizen of the United States and resides at 107 N Kentucky St, Crossett, Ashley, Arkansas, 71635, (street address) (city) (county) (state) (ZIP) 870-514-9300. (telephone)

3. Defendant, Arkansas Spinal Cord Commission, lives at, or its business is located at 5800 W 10th St #108, Little Rock, Pulaski, Arkansas, 72204. (street address) (city) (county) (state) (ZIP)

4. Plaintiff sought employment from the defendant or was employed by the

defendant at 1501 N University, Little Rock,  
(street address) (city)  
Pulaski, Arkansas, 72204.  
(county) (state) (ZIP).

5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10 of the complaint on or about May 08 2019.  
(month) (day) (year).

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraphs 9 and 10 of this complaint on or about November 18 2019.  
(month) (day) (year).

7. The Equal Employment Opportunity Commission issued a Notice of Right to Sue which was received by plaintiff on October 10 2020, a copy of which notice is attached to this complaint.

8. Because of plaintiff's (1) ✓ AA race, (2) ✓ BLK color, (3) \_\_\_\_\_ sex, (4) \_\_\_\_\_ religion, (5) \_\_\_\_\_ national origin, defendant:

(a) \_\_\_\_\_ failed to employ plaintiff.

(b) ✓ terminated plaintiff's employment.

(c) \_\_\_\_\_ failed to promote plaintiff.

(d) \_\_\_\_\_

9. The circumstances under which the defendant discriminated against plaintiff were

as follows: PLAINTIFF HAD BEEN SUBJECTED TO DIFFERENT TERMS AND CONDITIONS OF EMPLOYMENT AND DISCIPLINED PLAINTIFF, DUE TO RACE, BLACK, AND IN RETALIATION FOR COMPLAINING OF RACE DISCRIMINATION IN THE FORM OF FILING A GRIEVANCE, IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964. EXPERIECENCE MANY FORMS OF HARRASSMENT, RETALIATION, AND DISCIPLINARY ACTIONS UNTIL PLAINTIFF WAS TERMINATED.

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10. The acts set forth in paragraph 9 of this complaint:

- (a) \_\_\_\_\_ are still being committed by defendant.
- (b) \_\_\_\_\_ are no longer being committed by defendant.
- (c)  may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) \_\_\_\_\_ Defendant be directed to employ plaintiff, and
- (b) \_\_\_\_\_ Defendant be directed to re-employ plaintiff, and
- (c) \_\_\_\_\_ Defendant be directed to promote plaintiff, and
- (d)  Defendant be directed to COMPENSATE PLAINTIFF W/ BACKPAY, COMPENSATORY & PUNITIVE DAMAGES

and that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.



SIGNATURE OF PLAINTIFF

## DISMISSAL AND NOTICE OF RIGHTS

To: **Christopher R. Tharpe**  
**2921 Walker Street**  
**Little Rock, AR 72204**

From: **Little Rock Area Office**  
**820 Louisiana**  
**Suite 200**  
**Little Rock, AR 72201**



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**493-2019-02105**

**Matilda S. Louvring,  
Investigator**

**(501) 324-5535**

### THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (*briefly state*)

### - NOTICE OF SUIT RIGHTS -

*(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



08/26/2020

Enclosures(s)

**William A. Cash, Jr.,  
Area Office Director**

*(Date Mailed)*

cc:

**Reginald A. Rogers  
AR Department of Health  
4815 West Markham Slot 31  
Little Rock, AR 72205-3867**

## **INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

EEOC Form 5 (11/09)

|   |  |   |                              |
|---|--|---|------------------------------|
| <b>AMENDED CHARGE OF DISCRIMINATION</b>   |  | Charge Presented To:  | Agency(ies) Charge<br>No(s): |
| <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>  |  | <input type="checkbox"/> FEPA   |                              |
|   |  | <input checked="" type="checkbox"/> EEOC  | <b>493-2019-02105</b>        |
| <b>null</b>   |  |   |                              |
| <i>State or local Agency, if any</i>  |  |   |                              |
| Name ( <i>indicate Mr., Ms., Mrs.</i> )<br><b>MR. CHRISTOPHER R THARPE</b>  |  | Home Phone<br><b>(870) 500-4073</b>   | Year of Birth                |
| Street Address<br><b>2921 WALKER STREET, LITTLE ROCK, AR 72204</b>  |  | City, State and ZIP Code  |                              |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. ( <i>If more than two, list under PARTICULARS below.</i> )   |  |   |                              |
| Name<br><b>ARKANSAS SPINAL CORD COMMISSION</b>  |  | No. Employees, Members<br><b>Under 15</b>   | Phone No.                    |
| Street Address<br><b>5800 WEST 10TH STREET, LITTLE ROCK, AR 72204</b>   |  | City, State and ZIP Code  |                              |
| Name  |  | No. Employees, Members  | Phone No.                    |
| Street Address  |  | City, State and ZIP Code  |                              |
| DISCRIMINATION BASED ON ( <i>Check appropriate box(es).</i> )   |  |   |                              |
| <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN<br><input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION<br><input type="checkbox"/> OTHER ( <i>Specify</i> )   |  |   |                              |
| DATE(S) DISCRIMINATION TOOK PLACE<br>Earliest<br><b>05-01-2019</b>  |  | Latest<br><b>01-13-2020</b>   |                              |
|   |  | <input checked="" type="checkbox"/> CONTINUING ACTION   |                              |
| THE PARTICULARS ARE ( <i>If additional paper is needed, attach extra sheet(s):</i>  |  |   |                              |
| <p>I was hired on or about January 16, 2018 and am currently employed as a Case Manager. In May 2019 I began to be subjected to different terms and conditions of employment. On or about July 18, 2019 I filed a grievance on these different terms and conditions of employment alleging that they were due to race discrimination. On or about August 20, 2019 I was given a write up. On or about October 22, 2019 I was given a second write up. On or about January 13, 2020 I was discharged.</p> <p>I have been subjected to excessive monitoring of my movements inside and outside of the office, I have been subjected to a GPS tracker on my work phone, I have been accused of not being at work or performing work when my work product reflects my work performance. I was disciplined for insubordination and unexcused absences and as a result money was removed from my check and I was charged for leave when I was at work. I was informed I was discharged due to errors on my case review and for refusing to sign it.</p> <p><b>I believe that I have been subjected to different terms and conditions of employment and disciplined,</b></p> |  |   |                              |
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally signed by Christopher Tharpe on 02-14-2020<br/>11:08 AM EST</b></p>  |  | NOTARY - <i>When necessary for State and Local Agency Requirements</i>  |                              |
|   |  | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br/>(month, day, year)</p> |                              |

EEOC Form 5 (11/09)

|   |  |   |                           |
|---|--|---|---------------------------|
| <b>AMENDED CHARGE OF DISCRIMINATION</b>   |  | Charge Presented To:  | Agency(ies) Charge No(s): |
| <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>  |  | <input type="checkbox"/> FEPA<br><input checked="" type="checkbox"/> EEOC | <b>493-2019-02105</b>     |
|   |  | <b>null</b>   | and EEOC                  |
| <p><i>State or local Agency, if any</i></p> <p><b>due to my race, Black, and in retaliation for complaining of race discrimination in the form of filing a grievance, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I was discharged due to my race, Black, and in retaliation for filing an EEOC charge in violation of Title VII of the Civil Rights Act of 1964, as amended.</b></p> |  |   |                           |

|  |   |
|--|---|
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally signed by Christopher Tharpe on 02-14-2020<br/>11:08 AM EST</b></p> | <b>NOTARY - When necessary for State and Local Agency Requirements</b>  |
|  | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br/>(month, day, year)</p> |

CP Enclosure with EEOC Form 5 (11/09)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation,

proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



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2020/11/20 16:39

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